

OCT 06 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. MMD00083DIV)

In re Application of:	)	
	)	Examiner: K.C. Chen
Steven Grumbine et al.	)	
	)	Group Art Unit: 1765
Serial No.: 10/691,254	)	
	)	Fax No.: 571-273-8300
Filed: October 22, 2003	)	
	)	No. Of Pages: 4
For: Silane Containing Polishing Composition	)	
For CMP	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**FACSIMILE TRANSMITTAL LETTER**

Sir:

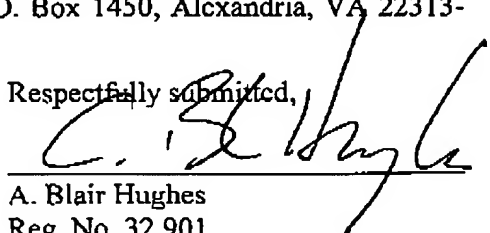
In regard to the above identified application:

1. We are transmitting herewith the attached:
  - a. Supplemental Reply to June 15, 2005 Restriction Requirement
2. With respect to fees:
  - a. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490.
3. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being transmitted to the USPTO facsimile number 571-273-8300, according to 37 CFR 1.6(d) addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 6, 2005.

Date: October 6, 2005

Respectfully submitted,

By :

  
A. Blair Hughes  
Reg. No. 32,901

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**SUPPLEMENTAL REPLY TO JUNE 15, 2005 RESTRICTION REQUIREMENT**Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Response to the September 7, 2005 Office communication stating that the Applicant's August 17, 2005 Restriction Response was not fully responsive.

The Applicants have revised and supplemented their August 17, 2005 Response as set forth below.

**I. MODIFICATION OF ELECTION**

In the August 17, 2005 Restriction Response, the Applicants elected a single species. The Applicants have now reconsidered and revise their election, with traverse. The Applicants originally elected a species in which each variable substituent was hydroxy believing the species elected would include silanes with "hydrolysable substituents" that would form hydroxy groups when the silanes are added to water. Applicants describe "hydrolysable" constituents, in the original specification, as those compounds that will form Si(OH) in an aqueous system (page 5, paragraph

[0018]). Applicants describe and claim a method wherein the silane compounds are in solution. Therefore it is understood that the compounds containing hydrolysable constituents will also exist as hydroxy substituents, or mixtures thereof, in solution. Upon review of the claims and the examiner's Restriction Requirement, the Applicant believes that the better approach in this case is to elect a species where each of the variable substituents is a hydrolyzable substituent.

The Applicants hereby elect, with traverse, to proceed with the examination of claims directed to methods for using the species wherein:

X1 = hydrolyzable substituent

X2 = hydrolyzable substituent

X3 = hydrolyzable substituent

Application claims 1-13 and 23-26 include, but are not limited to compounds wherein Y, X1 and X2 may be hydrolyzable substituents.

The following is a listing of the claims including compounds (underlined in the claims) wherein Y, X1 and X2 are each hydrolysable substituents.

13. The method of claim 11 wherein the silane compound is selected from the group consisting of glycidoxypropyltrialkoxysilane, isocyanatopropyltrialkoxysilane, ureidopropyltrialkoxysilane, mercaptopropyltrialkoxysilane, cyanoethyltrialkoxysilane, 4,5-dihydro-1-(3-(trialkoxysilyl)propyl)imidazole, 3-(trialkoxysilyl)-methyl ester propanoic acid, trialkoxy[3-(oxiranylalkoxy)propyl]-silane, 2-methyl, 3-(trialkoxysilyl)propyl ester 2-propanoic acid, [3-(trialkoxysilyl)propyl]urea, and mixtures thereof.

23. The method of claim 2 wherein the silane is selected from the group consisting of glycidoxypropyltrialkoxysilane, isocyanatopropyltrialkoxysilane, ureidopropyltrialkoxysilane, mercaptopropyltrialkoxysilane, cyanoethyltrialkoxysilane, 4,5-dihydro-1-(3-(trialkoxysilyl)propyl)imidazole, 3-(trialkoxysilyl)-methyl ester propanoic acid, trialkoxy[3-

(oxiranylalkoxy)propyl]-silane, 2-methyl, 3-(trialkoxysilyl)propyl ester 2-propenoic acid, [3-(trialkoxysilyl)propyl]urea, chloropropylmethyldialkoxysilane, 1,2-ethanediylbis[alkoxydimethyl] silane, dialkoxymethylphenyl silane, cyanopropyl dimethylalkoxysilane, N,N'-(alkoxymethylsilylene)bis[N-methyl-benzamide], chloromethyldimethylalkoxysilane, and mixtures thereof.

## II. TRAVERSE OF THE RESTRICTION REQUIREMENT

The Applicants traverse the examiner's restriction requirement. Applicants assert that the examiner has not provided reasons or evidence to show that examination of the existing claims would constitute a serious burden. Applicants note that this application is a divisional of application serial no. 09/609,480, now U.S. patent no. 6,646,348. The '348 patent is directed to polishing compositions. The Applicant was not required to restrict the invention to a particular species in the parent application. Therefore, the current requirement to elect a species is inconsistent with the evaluation of the corresponding composition claims in the parent application. Applicants respectfully request that the restriction requirement be withdrawn.

Respectfully submitted,

McDonnell Boehnen Hulbert  
& Berghoff LLP

Dated: October 6, 2005

By:

  
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